



November 1, 2018

Ex Parte Notice

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications, PS Docket No. 15-80; New Part 4 of the Commission's Rules Concerning Disruptions to Communications, ET Docket No. 04-35*

Dear Ms. Dortch:

On Tuesday, October 30, 2018, the undersigned on behalf of NTCA–The Rural Broadband Association (“NTCA”) along with Jesse Ward, Director Industry & Policy Analysis for NTCA, spoke via telephone with James Wiley and Brenda Villanueva, Attorney Advisors in the Cybersecurity & Communications Reliability Division, Public Safety & Homeland Security Bureau to discuss the Federal Communications Commission’s (“Commission’s”) Part 4 outage reporting requirements and the Commission’s desire to re-examine sharing Network Outage Reporting System (“NORS”) information with state and local agencies, including public utility commissions (“PUCs”).

As independent small, rural broadband providers, NTCA’s members typically operate within the geographic boundaries of an individual state and, therefore, when outages do occur, they adhere to the reporting requirements imposed by their respective state PUCs – requirements which vary vastly between state commissions. Notwithstanding this variation in state-level reporting, however, NTCA’s members consistently affirmed that the information filed within NORS has national security and/or competitive implications. As such, NTCA contends that effective and meaningful safeguards must be in place to ensure that outage reports filed with the Commission, particularly to the extent that they might be shared in the future with state and local stakeholders, will be limited to only that information relevant to a state or locality’s jurisdiction and will otherwise be adequately protected to mitigate the risk of data being disclosed in an unauthorized manner.

More specifically, if the Commission were to decide to share outage reports with state and local authorities, it must guarantee that information will be protected from state-level requests for third-party access, pre-empting any FOIA-style state or local laws that might require or otherwise contemplate disclosure of such information. The Commission should also require, at a

Marlene H. Dortch

November 1, 2018

Page 2 of 2

minimum, any personnel with access to the database (whether federal, state, or local employees or agents) to sign a certification attesting that have undertaken security training and will access and use the information only for the public safety purposes for which it is intended. Further, any such permitted access to NORS should be read-only; any system by which data therein are shared with state and local agencies must include the capability to track which agency and authorized individual accessed information; and, in the unfortunate event of a data breach, the Commission and carriers should be notified. Finally, it must be made clear that a state or local agency would only be allowed to use the information gained via the NORS system for its public safety functions, and not for the imposition of any punitive measures or state or local regulatory activity.

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Jill Canfield

Jill Canfield

Vice President of Legal & Industry,

Assistant General Counsel

NTCA–The Rural Broadband Association

cc: James Wiley
Brenda Villanueva